

**ORDINANCE NO. 1838
SERIES 2022**

**AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE
CONCERNING FENCE REGULATIONS WITHIN PLANNED UNIT DEVELOPMENTS**

WHEREAS, on December 30, 2021, the Marshall Fire ignited in unincorporated Boulder County and quickly spread to the City of Louisville, resulting in the severe damage or total loss of almost 600 residential structures; and

WHEREAS, there is visible evidence that wood fences contributed to the loss of some homes by providing a conduit for fire to travel from property to property; and

WHEREAS, best practices within the Wildland Urban Interface recommend non-combustible fence material in certain circumstances to limit fire spread; and

WHEREAS, City Council desires to ensure that fences constructed of combustible materials do not contribute to loss of structures from fire; and

WHEREAS, after a duly noticed public hearing held on July 14, 2022, where evidence and testimony were entered into the record, including the Louisville Planning Commission Staff Report dated July 14, 2022, the Louisville Planning Commission has recommended the City Council adopt the amendments to the Louisville Municipal Code (LMC) set forth in this ordinance; and

WHEREAS, City Council has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO, THAT:

Section 1. Section 17.16.120 of the Louisville Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 17.16.120. – Fences, walls and hedges

- A. No fence, wall, or hedge shall exceed six feet in height except as required for screening, recreational purposes approved by the planning commission, or unique security requirements approved by the planning commission.
- B. No fence, wall, or hedge exceeding four feet in height shall be located in any required front yard.
- C. Regardless of the provisions of subsections A and B of this section, no fence, wall or hedge exceeding 2½ feet in height shall be located in any vision clearance area of a street intersection unless such fence, wall or hedge shall be more than 80 percent open.

- D. No fence, wall, or hedge shall be located as to extend into street or alley rights-of-way.
- E. If a Planned Unit Development requires a fence constructed of wood or another combustible material, a property owner may install a noncombustible fence for the portion of the fence that connects the principal structure to the side property line, provided that:
 - 1. The fence matches the height the limit set forth in the Planned Unit Development; and
 - 2. The fence shall match the design intent for openness or solid construction set forth in the Planned Unit Development.

Section 2. If any portion of this ordinance is held to be invalid for any reason such decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 3. The repeal or modification of any provision of the Louisville Municipal Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED
PUBLISHED this _____ day of _____, 2022.

Ashley Stolzmann, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Kelly, P.C.
City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING this ____ day of
_____, 2022.

Ashley Stolzmann, Mayor

ATTEST:

Meredyth Muth, City Clerk